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SUBJECT: CHIEFS OF MISSION MEET NEW UN SPECIAL RAPPORTEUR
FOR HUMAN RIGHTS IN CAMBODIA

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) SUMMARY: The new UN Special Rapporteur for Human Rights in Cambodia, Professor Surya Subedi, made his first visit to Cambodia June 15-26, and met with the heads of several foreign missions on June 19, including Ambassador Rodley. Subedi has billed this first visit as a "listening tour," and an opportunity to gain operational knowledge of the human rights issues in Cambodia to accompany his academic expertise. He provided a summary of his first meeting with Prime Minister Hun Sen, and sought advice from the chiefs of mission on implementing his mandate and initiating a constructive dialogue with the Royal Government of Cambodia (RGC). The Ambassadors urged Subedi to cooperate with civil society and encourage the RGC to work closely with civil society, and stressed the importance of striking a balance between building personal relationships with contacts and speaking publicly about issues of concern. END SUMMARY.

Subedi Meets Hun Sen

¶2. (SBU) Professor Subedi gave a readout of his meetings with senior RGC officials, including Prime Minister Hun Sen, Minister of Foreign Affairs Hor Namhong, and the Chairman of the RGC's Human Rights Commission Om Yenttieng. He characterized the two-hour meeting with Hun Sen as constructive. He raised concerns with the PM about land issues, the RGC's fractious relationship with civil society, and the need for an independent judiciary, but kept the tone positive. Subedi said he hoped for a second set of meetings with the PM and Minister of Foreign Affairs before departing Cambodia, in order to discuss and agree upon a plan of action for future visits. (NOTE: A wrap-up meeting with the Foreign Minister to discuss areas for mutual cooperation turned into a courtesy call. END NOTE.) Subedi said that in each of his meetings with senior officials he has asked how he could help those officials, emphasizing his ability to see both sides of the human rights issues based on his experience as both a government employee (in Nepal's Ministry of Law and Justice) and as an international human rights activist.

¶3. (SBU) In public comments, the PM welcomed Professor Subedi to Cambodia, but coupled his welcome with a warning. He indicated it would be easy to work with the new UN envoy as long as Subedi didn't listen to "ignorant" people. The Foreign Minister echoed those comments, and stated the RGC's interest in reviewing the envoy's official reports to the UN before submission, in order to "check them for balance."

Ambassadors Offer Advice

¶4. (SBU) In their June 19 meeting with Professor Subedi, Ambassadors from Japan, France, Great Britain, and the United

States welcomed Subedi to Cambodia, expressing support for his mandate and congratulations on getting off to a positive start. In response to the new envoy's request for advice, the Ambassadors offered their thoughts on how Subedi could be most effective in his role. The Japanese and French Ambassadors urged Subedi to talk with NGOs, promote cooperation between the RGC and civil society, and attempt to work through the bad feelings that persist between the RGC and NGOs. The British Ambassador expressed optimism that Subedi was prepared to take on the very tough role as Special Rapporteur, and voiced concern over the Foreign Minister's desire to review the envoy's reports before submission.

15. (SBU) Ambassador Rodley told Subedi he was off to a good start, and she was glad to see his optimism because it would be needed. She emphasized the importance of building strong personal relationships with contacts, and working through those relationships to achieve goals, especially on the very difficult cases. She said striking a balance between the need to comment publicly on issues of concern and the need to work on a private, personal basis with contacts was crucial. She illustrated that balancing act highlighting her recent public comments at an anti-corruption concert followed by subsequent private meetings with officials to understand their "allergic reaction" to her comments.

16. (SBU) Subedi thanked the Ambassadors for their thoughts, and acknowledged that his role would be challenging. He commented that he well understood the importance of NGOs, especially in developing countries, and had already met with 6 groups of various NGOs to solicit their input as well. He said he planned to keep a professional, polite attitude in

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all his interactions with the RGC. He said his objectivity and independence came first and foremost; he would listen to and accept RGC input for his reports, but be honest and not allow the RGC to dictate the content of those reports. He said his mandate was independent of that for the UN Office for the High Commissioner for Human Rights (UNOHCHR), and refused to be drawn into the conflicts that persist between the RGC and UNOHCHR. (NOTE: The RGC has a long-standing objection to the UNOHCHR office. Subedi's visit caused this issue to surface again; the RGC commented publicly several times on allegations that Country Representative Christophe Peschoux attempted in 1999 to take accused Tuol Sleng chief Kaing Guek Eav, aka Duch, to stand trial in Belgium, rather than wait for establishment of a Tribunal in Cambodia. END NOTE.) Subedi ended by saying his job was to point out the international obligations that Cambodia had willingly assumed when signing on to various human rights treaties, and report on Cambodia's success in meeting those obligations.

COMMENT

17. (SBU) Professor Subedi is off to a better start than could be expected, given the RGC's treatment of the previous UN Special Representative of the Secretary-General, Kenyan law professor Yash Ghai. The PM refused to meet Ghai, and the strong criticism contained in Ghai's December 2007 report to the UN prompted the PM to call him "deranged." Ghai resigned in September 2008, but was effectively banned from Cambodia in March 2008 when a Ministry of Foreign Affairs instruction to its embassies overseas required visa requests from Ghai to be submitted directly to the MFA, where they sat without further action. The UN Human Rights Council renewed the special procedures mandate for Cambodia in October 2008, but changed it from Special Representative of the Secretary-General to Special Rapporteur of the Human Rights Council. As such, Subedi now reports directly to the Human Rights Council. Professor Subedi's commitment to professional interaction is a positive first step in his mandate, although this first visit may be something of a honeymoon period. The true test may come during future

visits and Subedi's first required report to the UN, which is
due in September 2009.
RODLEY